

SECOND REGULAR SESSION

SENATE BILL NO. 1231

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS LOUDON AND SMITH.

Read 1st time February 27, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5277S.011

AN ACT

To repeal section 115.249, RSMo, and to enact in lieu thereof seven new sections relating to instant runoff elections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 115.249, RSMo, is repealed and seven new sections enacted in lieu thereof, to be known as sections 115.249, 115.850, 115.853, 115.856, 115.859, 115.861, and 115.862, to read as follows:

115.249. No voting machine shall be used unless it:

- (1) Permits voting in absolute secrecy;
- (2) Permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for, and no other;
- (3) Permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) **Permits ranking of votes for the purposes of instant runoff voting;**
- (5) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;
- ~~[(5)]~~ (6) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- ~~[(6)]~~ (7) Permits each voter at a presidential election to vote by use of a single lever for the candidates of one party or group of petitioners for president, vice president and their presidential electors;
- ~~[(7)]~~ (8) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;
- ~~[(8)]~~ (9) Is provided with a lock or locks which prevent any movement of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 the voting or registering mechanism and any tampering with the mechanism;

20 ~~[(9)]~~ **(10)** Is provided with a protective counter or other device whereby
21 any operation of the machine before or after an election will be detected;

22 ~~[(10)]~~ **(11)** Is provided with a counter which shows at all times during
23 the election how many people have voted on the machine;

24 ~~[(11)]~~ **(12)** Is provided with a proper light which enables each voter,
25 while voting, to clearly see the ballot labels;

26 ~~[(12)]~~ **(13)** Is provided with a mechanical model, illustrating the manner
27 of voting on the machine, suitable for the instruction of voters.

115.850. As used in sections 115.850 to 115.862, the following
2 **terms shall mean:**

3 **(1) "Choice", an indication on a ballot of a voter's ranking of**
4 **candidates for a particular office according to the voter's preference;**

5 **(2) "Continuing ballot", a ballot that is not exhausted;**

6 **(3) "Exhausted ballot", a ballot on which all choices made on the**
7 **ballot have become votes for the various candidates so indicated or**
8 **contain choices for eliminated candidates, or both, and contain no**
9 **other choices;**

10 **(4) "Instant runoff voting", a system of voting whereby voters**
11 **rank up to three candidates for the same office in order of preference**
12 **to indicate a first choice, a second choice, and a third choice if desired;**

13 **(5) "Last place candidate", a candidate who has received the**
14 **fewest votes among the candidates who remain at any stage. Two or**
15 **more candidates simultaneously become last place candidates if their**
16 **combined votes add up to less than all votes for the candidate with the**
17 **next highest number of votes;**

18 **(6) "Next choice", the highest ranked choice for a remaining**
19 **candidate that has not become a vote at the stage referred to;**

20 **(7) "Remaining candidate", a candidate who has not been**
21 **eliminated;**

22 **(8) "Stage", a step in counting votes where votes for all remaining**
23 **candidates are counted to determine whether a candidate has achieved**
24 **a majority and, if not, which candidate or candidates are eliminated;**

25 **(9) "Vote", a ballot choice that is counted toward nomination or**
26 **election of a candidate. All first choices are votes. Lower ranked**
27 **choices are potential votes that may, according to the procedures in**
28 **sections 115.850 to 115.862, be credited to a candidate, and thus become**

29 votes for the candidate.

115.853. Instant runoff voting shall be used for voting in all
2 primary, general, and special elections where three or more candidates
3 are running for the same office, if the office is one of the following:

- 4 (1) President and Vice President of the United States;
- 5 (2) United States Senate or House of Representatives;
- 6 (3) Governor, lieutenant governor, attorney general, secretary of
7 state, or state auditor; or
- 8 (4) State senate or house of representatives.

115.856. 1. All first choices are counted first and if a candidate
2 has obtained a majority of those votes, that candidate is nominated or
3 elected and counting ceases.

4 2. If no candidate receives a majority of votes at the first stage,
5 then the second stage counting begins by eliminating the last place
6 candidate. Second choices made on ballots for the eliminated
7 candidate become votes for the second choice candidate indicated on
8 those ballots. A candidate who receives a majority of votes at that
9 stage is nominated or elected.

10 3. If no candidate receives a majority at a previous stage, the last
11 place candidate among the remaining candidates is eliminated and the
12 next choices made on ballots for an eliminated candidate become votes
13 for the candidate indicated on those ballots. A candidate who receives
14 a majority of votes at that stage is nominated or elected.

15 4. If at any stage in the counting there are two or more last place
16 candidates, these candidates are eliminated simultaneously and the
17 next choices made on ballots that have votes for one or more eliminated
18 candidates become votes for candidates indicated on those ballots who
19 remain.

20 5. The counting process continues in this manner with successive
21 last place candidates being eliminated and the next choices made on
22 continuing ballots on which votes were cast for eliminated candidates
23 are counted for the remaining candidate or candidates indicated by
24 those choices until all but one candidate has been eliminated who is
25 then nominated or elected.

115.859. 1. Once a ballot is exhausted, it is disregarded and no
2 longer counted. A ballot assigning the same ranking to more than one
3 candidate for an office is exhausted when the duplicate ranking is

4 reached, in which case no vote is recorded for any of the duplicate
5 candidates so chosen.

6 2. If a ballot choice skips a ranking, the next ranking below the
7 skipped choice is moved up and counted as though it were the rank of
8 the skipped choice.

9 3. If ballots do not contain sufficient effective second and lower
10 choices for a particular office, so that at the end of the counting no
11 candidate achieves a majority, the candidate who has received the most
12 votes is nominated or elected.

13 4. Votes shall not be counted for a candidate who has been
14 eliminated no matter how many second and lower-ranked choices might
15 otherwise have become votes for the candidate in a later stage.

115.861. The secretary of state shall have the authority to
2 promulgate rules in order to ensure the effective administration of
3 sections 115.850 to 115.862 including but not limited to, any rules
4 regarding the form, collection, and counting of ballots in elections
5 utilizing instant runoff elections. Any rule or portion of a rule, as that
6 term is defined in section 536.010, RSMo, that is created under the
7 authority delegated in this section shall become effective only if it
8 complies with and is subject to all of the provisions of chapter 536,
9 RSMo, and, if applicable, section 536.028, RSMo. This section and
10 chapter 536, RSMo, are nonseverable and if any of the powers vested
11 with the general assembly pursuant to chapter 536, RSMo, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2008, shall
15 be invalid and void.

115.862. Sample ballots illustrating and directions regarding
2 voting procedures shall be conspicuously posted at each polling place
3 and included in the instruction packet of absentee ballots. Directions
4 provided to voters must conform substantially to the following
5 specifications: "You may vote for candidates in order of
6 preference. Indicate your first choice by marking the number "1" beside
7 a candidate's name (or by marking in the column labeled "First
8 Choice"), your second choice by marking the number "2" (or by marking
9 the column labeled "Second Choice"), your third choice by marking the
10 number "3" (or by marking in the column labeled "Third Choice"), for as

11 many or as few choices as you wish, up to three. You are under no
12 obligation to rank more than one candidate for each office, but ranking
13 additional candidates will not affect your first choice candidate. Do
14 not mark the same number beside more than one candidate (or put
15 more than one mark in each column for the office you are voting on). Do
16 not skip numbers."

✓

Unofficial

Bill

Copy